



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>\$5,000</u>	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u><u>\$5,000</u></u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes  No

Budget Account No: Fund 0001 Dept 410 Unit 4240 Object 3410  
 Program \_\_\_\_\_


**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

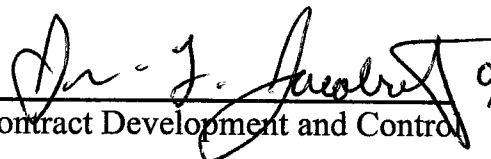
Conveyance of this property will eliminate the County's ongoing maintenance and liability.

**C. Departmental Fiscal Review:** \_\_\_\_\_

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development Comments:**

  
 \_\_\_\_\_  
 OFMB  
 9/17/10  
 9/21/10

  
 \_\_\_\_\_  
 Contract Development and Control  
 9/20/10

**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney  
 9/21/10

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**This summary is not to be used as a basis for payment.**



RESOLUTION NO. 20\_\_\_\_\_

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE TOWN OF LOXAHATCHEE GROVES PURSUANT TO FLORIDA STATUTE SECTION 197.592(3) WITHOUT CHARGE AND WITH MINERAL AND PETROLEUM RIGHTS RESERVATION WITHOUT RIGHTS OF ENTRY AND EXPLORATION; TOGETHER WITH PAYMENT FROM THE COUNTY IN THE AMOUNT OF FIVE THOUSAND DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the County owns one (1) property within the municipal boundaries of the Town of Loxahatchee Groves the "Town" which was acquired for delinquent taxes; and,

**WHEREAS**, Florida Statutes Section 197.592(3) states that under certain conditions, the County is to convey to municipalities in which they are located, properties acquired by the County for delinquent taxes and that any liens of record held by the County on such properties shall not survive the conveyance to the municipalities; and,

**WHEREAS**, the subject land has not been previously sold, has not been acquired for infill housing, has not been dedicated by the Board of County Commissioners, and shall not be conveyed to the record prior fee simple title owner; and,

**WHEREAS**, pursuant to Florida Statute Section 270.11, the Town has requested that such property be conveyed without reservation of and to release the rights of entry and exploration relating to mineral and petroleum rights; and,

**WHEREAS**, the Town has also requested that the County provide Town with a payment of Five Thousand Dollars (\$5000) to offset the cost to Town of clearing the property since County has not maintained it; and,

**WHEREAS**, the Board of County Commissioners of Palm Beach County has agreed to convey such property reserving phosphate, mineral, metals and petroleum rights but releasing any and all rights of entry and exploration relating to such rights, and provide Town with a payment of Five Thousand Dollars.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**Section 1. Recitals**

The foregoing recitals are true and correct and incorporated herein by reference.

**Section 2. Authorization to Convey Real Property**

The Board of County Commissioners of Palm Beach County shall convey to the Town without charge and by County Deed attached hereto and incorporated herein by reference, the real property legally described in such deed. Any liens of record held by the County on the subject land shall not survive the conveyance to the Town.

**Section 3. Authorization to Make Payment**

The Board of County Commissioners of Palm Beach County shall provide Town with a payment of Five Thousand Dollars to offset the cost to Town of clearing the property.

**Section 4. Conflict with Federal or State Law or County Charter**

Any statutory or Charter provisions in conflict with this Resolution shall prevail.

**Section 5. Effective Date**

The provisions of this Resolution shall be effective immediately upon adoption hereof.

The foregoing resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. The Motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- COMMISSIONER BURT AARONSON, CHAIR
- COMMISSIONER KAREN T. MARCUS, VICE CHAIR
- DISTRICT 2
- COMMISSIONER SHELLEY VANA
- COMMISSIONER STEVEN L. ABRAMS
- COMMISSIONER JESS R. SANTAMARIA
- COMMISSIONER PRISCILLA A. TAYLOR

The Chair thereupon declared the resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PALM BEACH COUNTY, a political  
subdivision of the State of Florida  
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK  
CLERK & COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

APPROVED AS TO TERMS  
AND CONDITIONS

By: \_\_\_\_\_  
Assistant County Attorney

By: Burt Aaronson  
Department Director

PREPARED BY AND RETURN TO:  
RICHARD C. BOGATIN, PROPERTY SPECIALIST  
PALM BEACH COUNTY  
PROPERTY & REAL ESTATE MANAGEMENT DIVISION  
2633 Vista Parkway  
West Palm Beach, FL 33411-5605

PCN: 41-41-43-17-01-315-0010  
Closing Date: \_\_\_\_\_  
Purchase Price: \$0.00

**COUNTY DEED**

**This COUNTY DEED**, made \_\_\_\_\_, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, whose legal mailing address is 301 North Olive Avenue, West Palm Beach, Florida, 33401-4791, "County", and **TOWN OF LOXAHATCHEE GROVES**, a Florida municipal corporation, whose legal mailing address is 14579 Southern Boulevard, Suite 2, Loxahatchee Groves, Florida 33470, "Town".

**WITNESSETH:**

That County, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars to it in hand paid by Town, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Town, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida:

LOXAHATCHEE GROVES N 26 FT OF S 1/2 (LESS E 113 FT) & S 17.2 FT OF W 410 FT OF N 1/2 & E 200 FT OF W 610 FT OF S 65.2 FT OF N 1/2 OF TR 15 BLK C A/K/A COUNTRY ESTATES WEST UNREC LTS 2 & 3 & 26 FT STRIP FOR RD LYG S & ADJ TO LTS 2 TO 8 & ADDTL 17.2 FT STRIP LYG WITHIN W 410 FT. THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 2930 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 14994, PAGE 1529, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths (3/4) interest in, and title in and to an undivided three-fourths (3/4) interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half (1/2) interest in all petroleum that is or may be in, on, or under said land. The aforementioned reservation of phosphate, mineral, metals and petroleum rights shall not include and County hereby expressly releases any and all rights of entry and rights of exploration relating to such phosphate, mineral, metals and petroleum rights.

**IN WITNESS WHEREOF**, County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said Board, the day and year aforesaid.

**ATTEST:**

**SHARON R. BOCK**  
**CLERK & COMPTROLLER**

**PALM BEACH COUNTY, a political**  
**subdivision of the State of Florida**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Burt Aaronson, Chair

**APPROVED AS TO FORM**  
**AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: \_\_\_\_\_  
Assistant County Attorney



## Town of Loxahatchee Groves

14579 Southern Boulevard, Suite 2 • Loxahatchee Groves, Florida 33470 • (561) 793-2418 Phone • (561) 793-2420 Fax • clerk@loxahatcheegroves.org

July 9, 2010

Honorable Jess Santamaria  
County Commissioner, District 6, Palm Beach County  
301 North Olive Street, Suite 1201  
West Palm Beach, FL 33401

Re: 22<sup>nd</sup> Road North, Loxahatchee Groves

Dear Commissioner:

The Loxahatchee Groves Town Council has discussed the possibility of The Town taking over County owned road 22<sup>nd</sup> Road North, which is within our borders. Although technically, Palm Beach County is responsible for maintenance of this road, it appears the road has been neglected for many years. The drainage swale is overgrown and affecting the surrounding properties ability to drain during rainy season. Florida Holly and other growth is encroaching into the road and scratching resident's vehicles. A survey is also needed to verify right-of-way.

The Town is willing to take over ownership of 22<sup>nd</sup> Road North, but Council respectfully requests the County to perform the needed clearing of the drainage swale, and provide a survey prior to transfer of title of said road.

Council realizes that County may wish to retain its own vendors. However, attached is an estimate for clearing the trees and vegetation and cleaning out the drainage swale provided by a local business of the Groves. Also attached is an estimate for the cost of a survey to be done on this road provided by A&B Engineering of Wellington. The Town would undertake these services if the County would agree to reimburse the Town for these expenses.

I would appreciate your consideration of this matter and advise me which alternative you would like me to proceed with that would eventually lead to the transfer of title of this parcel.

Respectfully submitted,

Frank R. Spence  
Town Manager

Attachments: Map of 22nd Road N and surrounding properties  
Survey Estimate from A&B Engineering  
Land clearing estimate from C&C Loader  
PBC Tax Deed

Select Year: 2009

Go

## The 2009 Florida Statutes

[Title XIV](#)
[Chapter 197](#)
[View Entire Chapter](#)

TAXATION AND FINANCE TAX COLLECTIONS, SALES, AND LIENS

**197.592 County delinquent tax lands; method and procedure for sale by county; certain lands conveyed to municipalities; extinction of liens.--**

- (1) Lands acquired by any county of the state for delinquent taxes in accordance with law which have not been previously sold or dedicated by the board of county commissioners may, at its discretion, be conveyed to the record fee simple owner of such lands as of the date the county obtained title to the lands. However, before any conveyance shall be made, the former owner of the lands may file with the board of county commissioners a verified written application which shall show:
- (a) The description of the lands for which a conveyance is sought;
  - (b) The name and address of the former owner;
  - (c) The date title was acquired by the county;
  - (d) The price of the lands as previously fixed by resolution of the board of county commissioners, if this has been done;
  - (e) The use to which the lands were enjoyed by the record fee simple owner at the time of acquisition by the county;
  - (f) A brief statement of the facts and circumstances upon which the former owner bases the request for restitution of the described property;
  - (g) An offer to pay an amount equal to all taxes, including municipal taxes and liens, if any, which had become delinquent, together with interest and costs provided by law.
- (2) In the event the described lands have not been assessed for taxes for the current year in which the petition is filed, the applicant shall pay, in addition, the taxes for current and omitted years, the latter amount to be determined by applicable millage for the omitted years and based on the last assessment of the described lands.
- (3) Lands acquired by any county of the state for delinquent taxes in accordance with law which have not been previously sold, acquired for infill housing, or dedicated by the board of county commissioners, which the board of county commissioners has determined are not to be conveyed to the record fee simple owner in accordance with the provisions of subsections (1) and (2), and which are located within the boundaries of an incorporated municipality of the county shall be conveyed to the governing board of the municipality in which the land is located. Such lands conveyed to the municipality shall be freely alienable to the municipality without regard to third parties. Liens of record held by the county on such parcels conveyed to a municipality shall not survive the conveyance of the property to the municipality.
- (4) Liens of record held by the county upon lands not conveyed in accordance with subsections (1) and (2) or subsection (3) shall not survive the conveyance of the property to the county.
- History.--**s. 1, ch. 22870, 1945; ss. 1, 2, ch. 69-55; s. 1, ch. 72-268; s. 23, ch. 73-332; s. 197, ch.

<http://www.flsenate.gov/statutes/index.cfm?p=2&mode=View Statutes&SubMenu=1&App...> 8/4/2010



85-342; s. 7, ch. 86-141; s. 6, ch. 99-190.

Note.--Former ss. 194.471, 197.655, 197.302.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes. Copyright © 2000-2006 State of Florida.

Select Year: 2009

Go

## The 2009 Florida Statutes

[Title XVIII](#)[PUBLIC LANDS AND PROPERTY](#)[Chapter 270](#)[PUBLIC LANDS](#)[View Entire Chapter](#)

### 270.11 Contracts for sale of public lands to reserve certain mineral rights; prohibition on exercise of right of entry in certain cases.--

(1) Unless the applicable agency chooses not to reserve such interest and except as otherwise provided by law, in all contracts and deeds for the sale of land executed by the Board of Trustees of the Internal Improvement Trust Fund or by any local government, water management district, or other agency of the state, there shall be reserved for such local government, water management district, other agency of the state, or the board of trustees and its successors an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same.

(2)(a) The Board of Trustees of the Internal Improvement Trust Fund may, in its discretion, sell or release any reserved interest or any portion thereof in or as to any particular parcel of land, and the State Board of Education may sell or release any such interest or any portion thereof which was reserved for said board pursuant to this section prior to September 1, 1967. Such sale or release shall be made on application of the owner of the title to the particular parcel of land with statement of reason justifying such sale or release.

(b) The right of entry in respect to any interest in phosphate, minerals, and metals or any interest in petroleum heretofore or hereafter reserved in favor of the Board of Trustees of the Internal Improvement Trust Fund or the State Board of Education is hereby released as to any parcel of property that is, or ever has been, a contiguous tract of less than 20 acres in the aggregate under the same ownership.

(3) A local government, water management district, or agency of the state may, at its discretion, sell or release reserved interest in any parcel of land, except that such sale or release shall be made upon petition of the purchaser for such interest and with a statement of reasons justifying such sale or release.

(4) Any state agency, except a water management district, which receives royalties for parcels shall remit any such moneys into the General Revenue Fund, unless otherwise provided by law.

**History.**--ss. 1, 2, ch. 6159, 1911; RGS 1226; CGL 1771; s. 1095, ch. 19355, 1939; CGL 1940 Supp. 892(414); s. 1, ch. 26849, 1951; s. 1, ch. 59-220; s. 2, ch. 61-119; ss. 27, 35, ch. 69-106; s. 76, ch. 71-355; s. 1, ch. 86-205; s. 1, ch. 86-257; s. 9, ch. 2001-256.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes. Copyright © 2000-2006 State of Florida.